

Statement on behalf of the Claimant
Witness: Tom Bennington
First Statement
Dated: 23 February 2026
Exhibits: TB1-TB3

CLAIM NO. KB-2025-004667

IN THE HIGH COURT OF JUSTICE
IN THE MATTER OF PROCEEDINGS

BETWEEN:

WEST BERKSHIRE COUNCIL

Claimant

-and-

- (1) UK LAND HOLDINGS 1 LTD**
- (2) CAROLINE BERRY**
- (3) NORA CONNORS**
- (4) PATRICK FAGAN CONNORS**
- (5) JIMMY O'CONNORS**
- (6) JOHNNY WALL**
- (7) PATRICK JAMES CONNORS**
- (8) JOHN JUDE O'BRIEN**
- (9) MICHAEL WALL**
- (10) JERRY GROGAN**
- (11) RICHARD O'BRIEN**
- (12) JOSEPH DOYLE**
- (13) NOREEN FLYN**
- (14) PATRICK STOKES**
- (15) BERNARD STOKES**
- (16) TOMMY STOKES**
- (17) VINCENT CRUMLISH**
- (18) HUGHIE STOKES**
- (19) BENJIT SINGH DHESI**
- (20) THOMAS FLYNN**
- (21) MARTIN STOKES**
- (22) PERSONS UNKNOWN (THOSE WITH AN INTEREST IN OR INTENDING TO UNDERTAKE WORKS OR INTENDING TO OCCUPY THE LAND KNOWN AS "LAND SOUTH OF READING ROAD" AND THOSE WHO ARE KNOWN TO HAVE AN INTEREST IN THE LAND)**
- (23) GHEORGHE GHEORGE**
- (24) RODICA GHEORGHE**
- (25) OWEN STOKES**
- (26) THOMAS STOKES**
- (27) PATRICK CRUMLISH**
- (28) CHRISTOPHER RYAN**
- (29) CHRISTOPHER STOKES**
- (30) JAMES FLYNN**
- (31) SERGU CACUI**
- (32) NICOLE FILIPOPILSCHI**
- (33) PATRICK STOKES**

Defendants

WITNESS STATEMENT OF TOM BENNINGTON

I, **Tom Bennington**, of the Ministry of Defence Ministry of Defence, Main Building, Whitehall, London SW1A 2HB say as follows:

1. I am a Senior Civil Servant employed by the Ministry of Defence (“MOD”). I make this witness statement on behalf of the MOD in support of the Claimant and their claim for an Injunction against the Defendants pursuant to s.187B of the Town and Country Planning Act 1990 (the Act).
2. The facts and matters set out below are within my own knowledge and are true, except where I state otherwise, in which case they are true to the best of my knowledge and belief, and I identify the source of my knowledge and belief.
3. There is now produced and shown to me a paginated bundle marked “TB1-TB3” which I attach to this statement containing a true copy of the following documents:
 - 3.1. Defence Nuclear Enterprise Command Paper entitled ‘Delivering the UK’s Nuclear Deterrent as a National Endeavour’ (March 2024) (the "Command Paper") (TB1/05).
 - 3.2. Ministry of Defence Strategic Defence Review 2024-2025: Terms of reference (July 2024) (TB2/48).
 - 3.3. Secretary of State Decision on the Planning Appeal APP/X0360/W/24/3354607 in relation to Land East of Hayes Drive, Three Mile Cross (TB3/55)
4. I use the reference TBx/xx which refers to my exhibit followed by the relevant page number.

BACKGROUND AND QUALIFICATIONS

5. I am part of the senior leadership team of the Warhead Group of the Defence Nuclear Organisation (DNO) within the Ministry of Defence (MOD). I am also a member of the MOD's Project Delivery function and currently lead a large project at AWE Burghfield.
6. Prior to joining the Civil Service, I served as an officer in the Royal Air Force. My qualifications include a BSc with Joint Honours in Science (Maths/Physics) and an MA in Defence Administration. I am a graduate of the Joint Services Advanced Staff College, the Defence Strategic Leadership Programme and the Major Project Leadership Academy programme at the University of Oxford. I have worked in Project Management for 25 years and have led several large MOD capability projects, NATO programmes and projects at the European Defence Agency. I hold certifications in several advanced project and programme management specialisations both in Europe and the UK.

7. In my day-to-day work I operate in accordance with the Civil Service Code and its core values of integrity, honesty, objectivity, and impartiality.
8. I understand my duty to provide independent evidence and have sought to comply with this duty to the maximum degree.

SCOPE OF EVIDENCE

9. This witness statement relates to Land known as Land South of Reading Road, Aldermaston RG7 4PR (the “Land”) as described in detail in witness statements by the Claimant.
10. I have been asked to provide evidence from an MOD perspective on the risk to AWE Aldermaston from the Land which is adjacent to the AWE Aldermaston site and within the detailed emergency planning zone (“DEPZ”). Specifically, I have been asked to explain the importance of AWE Aldermaston in the context of its role in supporting the UK’s defence and the need to ensure AWE Aldermaston’s operations now and in the future. I will cover:
 - 10.1. the Atomic Weapons Establishment, AWE plc (“AWE”) and AWE Aldermaston;
 - 10.2. the Continuous At Sea Deterrent; and
 - 10.3. the potential adverse impact on AWE’s operations from development inside the DEPZ.

ATOMIC WEAPONS ESTABLISHMENT

11. The Atomic Weapons Establishment and its predecessor organisations have been delivering the UK’s nuclear deterrent for over 75 years. The AWE Aldermaston site is owned by the Secretary of State for Defence and is one of the two principal sites where the UK’s nuclear warheads are designed and manufactured. The Secretary of State for Defence also owns AWE plc, the company which operates the Atomic Weapons Establishment for the MOD and is the nuclear site licence holder for AWE Aldermaston.

THE CONTINUOUS AT SEA DETERRENT

12. The defence nuclear enterprise is collectively responsible for the development, build, maintenance, and delivery of our Continuous at Sea Deterrent (CASD). Its continued success is a vital national undertaking that depends on long-term, significant investment and strong government support.
13. For more than six decades, CASD has been a central pillar of the UK’s defence strategy. It ensures that at least one nuclear-armed Royal Navy ballistic missile submarine is continuously deployed, patrolling undetected. Since 1969, CASD has

operated every hour of every day to protect the UK and our NATO allies. In the current global security environment, this capability, and the broader system that sustains it, is more important than ever. CASD continues to serve as the ultimate guarantee of our national security.

14. The importance of CASD means that constant investment and development is required. This concerns the publication of the Defence Nuclear Enterprise Command Paper entitled 'Delivering the UK's Nuclear Deterrent as a National Endeavour' (March 2024) (the "Command Paper") (TB1/05).
15. The Command Paper considers the delivery of the UK's Nuclear Deterrent as a national endeavour. The Command Paper needs to be read in its entirety as it represents the latest and most public assessment of the UK Deterrent programme that has ever been published.
16. I draw particular attention to the Prime Minister's introduction in the Command Paper. He points out that CASD is now more relevant than ever before as the UK faces more diverse challenges from nuclear-armed states. The Prime Minister describes the Command Paper as a platform from which the Government is launching a national endeavour. That national endeavour is one he describes as a "call to action across government, industry and society" to renew the Nuclear Enterprise.
17. The importance of the Atomic Weapons Establishment, AWE plc and AWE Aldermaston in this national endeavour cannot be overstated. AWE merits a whole section of the Command Paper (TB1/38-39). The Command Paper emphasises that AWE plc is the only organisation in the UK that performs precision manufacture of components from fissile materials. At TB1/39 the Command Paper describes how AWE has undertaken some of the biggest projects in Defence to upgrade its unique facilities. The new facilities form part of the critical transformation of AWE's infrastructure that will deliver the current and next generation of warheads.
18. On 16th July 2024 the new Government announced a strategic defence review ("SDR"). Paragraph 7, of the terms of reference (TB2/51) stated that "[t]he Government has a total commitment to the independent UK nuclear deterrent. The SDR will consider the efficiency and effectiveness of the nuclear programme". It is therefore clear that the nuclear deterrent will continue to play a critical role in UK defence policy.
19. The nuclear deterrent is critical to UK defence policy and AWE has a unique role in the provision of warheads to enable that policy. The defence of the United Kingdom relies fundamentally on AWE's unique contribution to CASD.
20. MOD maintains that the indispensable role of AWE determines the level of risk that can be tolerated regarding the security and operation of those sites.

21. Any development that increases risk to the current activities, security, or future development of these sites is therefore unacceptable to the MOD and incompatible with the defence needs of the United Kingdom.

THE POTENTIAL ADVERSE IMPACT ON AWE'S OPERATIONS FROM DEVELOPMENT IN THE DEPZ

22. The continuation of operations at AWE Aldermaston is essential for the MOD's delivery of the UK's nuclear deterrent.

23. To sustain these operations in a changing strategic environment, where the defence requirements of the UK are increasing, AWE must retain the flexibility to expand its activities.

24. The Claimant's emergency planning expert witness will provide evidence on the direct and cumulative impact the unauthorised development on the Land has on the "Off Site Emergency Plan" (OSEP) for AWE Aldermaston.

25. The MOD and AWE need an adequate OSEP to be in place now and for the duration AWE Aldermaston is operational. This is a legal requirement of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 ("REPPIR 19"). Without an adequate OSEP in place, AWE will be unable to carry out its nuclear operations at AWE Aldermaston.

26. This has been addressed in previous planning decisions. The Secretary of State said in the decision of a recent planning appeal (Appeal APP/X0360/W/24/3354607 Land East of Hayes Drive, Three Mile Cross) (TB3/55) the following:

"Another important element of the REPPIR 19 Framework is the hard barrier that it puts in place when a duty holder has not complied with one of its obligations. Operators to which the regulations apply cannot continue working with ionising radiation if the local authority responsible for maintaining an adequate OSEP fails to do so. In the present case, this means that if the OSEP maintained by WBDC becomes inadequate, AWE(B) cannot continue operating, and cannot continue performing its essential function in delivering CASD." (SoS Decision Letter, paragraph 10.11).

And

"The adequacy of the plan is binary: it is either is adequate or it is not. In circumstances where the OSEP is inadequate, the immediate consequence is that AWE cannot work with ionising radiation (REPPIR 19, regulation 10(4)). That is the law." (SoS Decision Letter, paragraph 10.12).

27. In this decision, the Secretary of State also reinforced the critical national importance of the continued operation of AWE and the serious consequences for our defence capabilities of allowing the population within the DEPZ to increase and put pressure on the OSEP:

“The Secretary of State has taken into account that the nuclear deterrent is critical to UK defence policy, and that AWE(B) is essential for the delivery of Continuous at Sea Defence (CASD) which has been a cornerstone of the defence of the UK for over 6 decades. He agrees that the current global security landscape is reinforcing the criticality of that capability. For the reasons given at IR15.59-15.65, the Secretary of State agrees at IR15.59 that if the ONR were to declare the OSEP inadequate, then AWE(B) would not be able to operate, and that the consequences of AWE(B) not being able to operate would be very serious in terms of national security.” (SoS Decision Letter, paragraph 24).

28. The MOD therefore strongly opposes any development within the DEPZ that cannot be accommodated in the OSEP and therefore jeopardise AWE’s operational capability to provide the nuclear deterrent. This includes the unauthorised development on the Land.

DECLARATION

29. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Dated: 23 February 2026

Signed: *Tom Bennington*.....

Tom Bennington